

MAIL STOP 105
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450



ITW

Re: Our File: PETRA 3.0-034

Group Art Unit:

Applicant: TEPPER et al.

Serial No.: 10/810,321

Examiner:

Filed: 03/26/04

For: NON-STAINING, CONTRASTING
ANIMAL HIDE PETCHEW AND METHOD

Batch No.:

Dear Sir: OF MAKING SAME

Enclosed for filing in the United States Patent and Trademark Office is the following:

- | | |
|---|---|
| <input checked="" type="checkbox"/> Law Firm Transmittal Letter <u>1 COPY</u> | <input checked="" type="checkbox"/> Letter/ Official Draftsman |
| <input type="checkbox"/> Response/Amendment | <input type="checkbox"/> Petition |
| <input type="checkbox"/> Affidavit/Declaration | <input type="checkbox"/> Request for Ext. of Time |
| <input type="checkbox"/> Notice of Appeal | <input type="checkbox"/> Small Entity Statement(s) |
| <input type="checkbox"/> Assignment and cover sheet | <input checked="" type="checkbox"/> Postcard acknowledging receipt of above-identified material |
| <input type="checkbox"/> Certificate of Correction | |
| <input type="checkbox"/> Check No. _____ - \$ _____ | |
| <input type="checkbox"/> Claim of Priority - Cert'd Copies | |
| <input type="checkbox"/> Communication | <input checked="" type="checkbox"/> <u>TRANSMITTAL OF INE DISCL.</u> |
| <input type="checkbox"/> Drawings _____ sheets - | <input type="checkbox"/> _____ STATEMENT |
| <input type="checkbox"/> Formal/Informal | <input type="checkbox"/> _____ |
| <input type="checkbox"/> Issue Fee/Maintenance Fee | <input type="checkbox"/> _____ |
| <input type="checkbox"/> Information Disclosure Statement; Reference, Tabs - | |

Conditional Petition and Fee for Extension of Time: If any extension of time for the accompanying response is required, applicant requests that this be considered a petition therefor.

In connection with the above-identified matter, please charge any additional fees or any other charges related to this matter to the deposit account of the writer, No. 23-0812.

Respectfully submitted,

Enclosures 1

DATED: 5/10/04

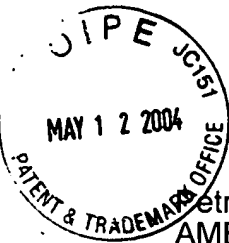
[Signature]
Edward R. Weingram
Registration No. 24,493
WEINGRAM & ASSOCIATES, PC
P.O. BOX 927
Maywood, NJ 07607
TEL: (201) 843-6300
FAX: (201) 843-6495

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE U.S. POSTAL SERVICE WITH SUFFICIENT POSTAGE AS FIRST CLASS MAIL IN AN ENVELOPE ADDRESSED TO: COMMISSIONER OF PATENTS, ALEXANDRIA, VA 22313-1450 ON

DATE: 5/10/04

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(Signature)

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Jacob Tepper and Steven Mendal
Serial No.: 10/810,321
Filing Date: March 26, 2004
For: NON-STAINING, CONTRASTING ANIMAL HIDE PET
CHEW AND METHOD OF MAKING SAME

MAIL STOP: IDS
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

LETTER

Sir:

Enclosed please find a new signature page for the Transmittal of Information Disclosure Statement mailed to the U.S. Patent and Trademark Office on May 5, 2004. In the original transmittal papers the signature of practitioner was inadvertently omitted. We regret this oversight.

Dated: 5/10/04

Respectfully submitted,

Edward R. Weingram
Reg. No. 24,493
Attorney for Applicants
WEINGRAM & ASSOCIATES, P.C.
P.O. Box 927
Maywood, NJ 07607
Tel: 201-843-6300
Fax: 201-843-6495



Practitioner's Docket No. PETRA 3,02034

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent application

of _____
Inventor(s)

for _____
Title of invention

OR

In re application of: Jacob Tepper and Steven Mendal

Application No.: 0 10 / 810,321

Group Art Unit:

Filed: March 26, 2004

Examiner:

For: NON-STAINING, CONTRASTING ANIMAL HIDE PET CHEW AND METHOD
OF MAKING SAME

Assistant Commissioner for Patents
Washington, D.C. 20231

**TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT
WITHIN THREE MONTHS OF FILING OR
BEFORE MAILING OF FIRST OFFICE ACTION (37 C.F.R. § 1.97(b))**

CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10*

(When using Express Mail, the Express Mail label number is mandatory;
Express Mail certification is optional.)

I hereby certify that, on the date shown below, this correspondence is being:

MAILING

☒ deposited with the United States Postal Service in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231

37 C.F.R. § 1.8(a)

37 C.F.R. § 1.10*

☒ with sufficient postage as first class mail.

☐ as "Express Mail Post Office to Addressee"

Mailing Label No. _____ (mandatory)

TRANSMISSION

☐ facsimile transmitted to the Patent and Trademark Office, (703) _____

Date: 1/6/04

Signature

Edward R. Weingram

(type or print name of person certifying)

* Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under § 1.8 continues to be taken into account in determining timeliness. See § 1.703(f). Consider "Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

(Transmittal of Information Disclosure Statement Within Three Months of Filing or Before Mailing of First Office Action [6-3]—page 1 of 3)



NOTE: 37 C.F.R. 1.98(b):

- (1) Each U.S. patent listed in an information disclosure statement must be identified by inventor, patent number, and filing date.
- (2) Each U.S. patent application publication listed in an information disclosure statement shall be identified by applicant, patent application publication number, and publication date.
- (3) Each U.S. application listed in an information disclosure statement must be identified by the inventor, application number, and filing date.
- (4) Each foreign patent or published foreign patent application listed in an information disclosure statement must be identified by the country or patent office which issued the patent or published the application, an appropriate document number, and the publication date indicated on the patent or published application.
- (5) Each publication listed in an information disclosure statement must be identified by publisher, author (if any), title, relevant pages of the publication, date, and place of publication.

WARNING: No extension of time can be had under 37 C.F.R. § 1.136 (a) or (b) for filing an IDS. 37 C.F.R. § 1.97(f).

NOTE: The "filing date of a national application" under 37 C.F.R. § 1.97(b) has two possible meanings. Where the filing is a direct one to the United States Patent & Trademark Office, the filing is defined in 37 C.F.R. § 1.53(b) as "the date on which: (1) A specification containing a description pursuant to § 1.71 and at least one claim pursuant to § 1.75; and (2) any drawing required by § 1.81(a), are filed in the Patent and Trademark Office in the name of the actual inventor or inventors as required by § 1.41." 37 C.F.R. § 1.97(b)(1). On the other hand, an international application that enters the national stage occurs when the applicant has filed the documents and fees required by 35 U.S.C. § 371(c) within the periods set forth in § 1.494 or § 1.495. 35 U.S.C. § 371(c) requires the filing of the following: (1) the basic national fee; (2) a copy of the international application, unless already sent by the International Bureau, and optionally an English translation if filed in another language; and, also optionally (3) amendments under PCT Article 19, with a translation into English if made in another language; (4) an oath or declaration; and (5) a translation into English of any annexes to the international preliminary examination report, if such annexes were made in another language. The optional items must be submitted later, with surcharges. 37 C.F.R. § 1.97(b)(2).

IDENTIFICATION OF TIME OF FILING THE ACCOMPANYING INFORMATION DISCLOSURE STATEMENT

The information disclosure statement submitted herewith is being filed within three months of the filing date of the application or date of entry into the national stage of an international application or before the mailing date of a first Office action on the merits, whichever event occurs last. 37 C.F.R. § 1.97(b).

NOTE: "No certification or fee is due when the filing is made within the above time period. It is advisable to ensure that no Office action has been mailed if the disclosure statement is delayed until after three months from filing."

NOTE: "An information disclosure statement will be considered to have been filed on the day it was received in the Office, or on an earlier date of a mailing if accompanied by a properly executed certificate of mailing under 37 C.F.R. 1.8, or Express Mail certificate under 37 C.F.R. 1.10. An Office action is mailed on the date indicated in the Office action." Notice of April 20, 1992 (1138 O.G. 37-41, 39). See also § 609, M.P.E.P., 8th Edition.

NOTE: "The term 'national application' includes continuing applications (continuations, divisions, continuations-in-part) so three-months will be measured from the actual filing date of an application as opposed [sic] to the effective date of a continuing application." Notice of April 20, 1992 (1138 O.G. 37-41, 39).

(Transmittal of Information Disclosure Statement Within Three Months of Filing or Before Mailing of First Office
Action [6-3]—page 2 of 3)

NOTE: "An action on the merits means an action which treats the patentability of the claims in an application, as opposed to only formal or procedural requirements. An action on the merits would, for example, contain a rejection or indication of allowability of a claim or claims rather than just a restriction requirements (37 C.F.R. 1.142) or just a requirement for additional fees to have a claim considered (37 C.F.R. 1.16(d)). Thus, if an application was filed on Jan. 1 and the first Office action on the merits was not mailed until six months later on July 1, the examiner would be required to consider any proper information disclosure statement filed prior to July 1." Notice of April 20, 1992 (1138 O.G. 37-41, 39).

WARNING: "A petition for suspension of action to allow applicant time to submit an information disclosure statement will be denied as failing to present good and sufficient reasons, since 37 C.F.R. § 1.97 provides adequate recourse for the timely submission of prior art for consideration by the examiner." Notice of July 6, 1992 (1141 O.G. 63). But see § 103(b) and (c), limited suspension of action in a continued prosecution application (CPA) filed under § 1.53(d) and in a request for continued examination (RCE) under § 1.114.

Reg. No.: 24,493

Tel. No.: () 201-843-6300

Customer No.: 28885


SIGNATURE OF PRACTITIONER

Edward R. Weingram
(type or print name of practitioner)

WEINGRAM & ASSOCIATES, P.C.
P.O. BOX 927
MAYWOOD, N.J. 07607